

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
Taberna Capital Management, LLC and Larry :  
Lattig, Litigation Trustee for the First Magnus :  
Litigation Trust, as Successor in Interest to :  
Taberna Capital Management, LLC and The Bank :  
of New York Mellon Trust Company, N.A., :  
Solely in its Capacity as Trustee under the :  
Indenture and Property Trustee for the First :  
Magnus TPS Trust, :  
:  
Plaintiffs, :  
:  
-against- :  
:  
Gurpreet S. Jaggi, :  
:  
Defendant. :  
:  
:  
-----X

No. 08-cv-11355 (DLC)

NOTICE OF CONDITIONAL  
SETTLEMENT

**LACKEY HERSHMAN, L.L.P.**

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**ATTORNEYS FOR PLAINTIFFS**

**NOTICE OF CONDITIONAL SETTLEMENT**

Taberna Capital Management, LLC (“Taberna”) and Larry Lattig, Litigation Trustee for the First Magnus Litigation Trust, as Successor in Interest to Taberna Capital Management, LLC and The Bank of New York Mellon Trust Company, N.A., Solely in its Capacity as Trustee under the Indenture and Property Trustee for the First Magnus TPS Trust (“Litigation Trustee” and collectively with Taberna, “Plaintiffs”), submit this Notice of Conditional Settlement to advise the Court that the parties in the above-referenced matter have entered into a binding agreement to settle their dispute, and that upon performance of certain conditions on or before February 13, 2011, will result in the dismissal of the case with prejudice, with each party bearing their own costs and attorneys’ fees, on or before February 20, 2011. In the interim, and to the extent necessary, Plaintiffs request that the case be placed on the Inactive Calendar.

Dated: January 18, 2011  
New York, New York

Respectfully submitted,

By: /s/ Jamie R. Welton  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 18, 2011, I caused the foregoing document to be sent by ECF and U.S. mail, in accordance with Local Rule 5.3 to the following counsel of record:

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